

**EXHIBIT B**



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1 case?

2 A. They wrote probable cause. And then after  
3 they wrote probable cause, the attorney came back  
4 and said this needs to be dismissed. So what they  
5 did is they slapped me a \$2,000 check and dismissed  
6 it.

7 Q. So you settled with Luciano's?

8 A. Yes, we settled.

9 Q. So the M.C.A.D. had a probable cause  
10 finding?

11 A. Right.

12 Q. And then the attorney for Luciano's raised  
13 the issue of it being too late to file untimely?

14 A. It was untimely, yes.

15 Q. But they agreed to pay you \$2,000?

16 A. To pay me \$2,000, correct.

17 Q. Did you sign a Settlement Agreement?

18 A. Yes, I did.

19 Q. And that is why you did not bring any court  
20 action against Luciano's Restaurant?

21 A. That's correct.

22 Q. Do you recall when you settled that case?

23 Do you recall when you received the check and signed  
24 the agreement?

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1 just wanted the judge to look at it in a different  
2 way in how the M.C.A.D. investigated the case  
3 between the Stop & Shop case and the Luciano's case  
4 because they came back with lack of probable cause  
5 in one case and then came back with probable cause  
6 in another.

7 Q. I understand.

8 A. And the difference between their  
9 investigations were totally different. So that's  
10 the one of the reasons why I gave them this.

11 Q. So just looking at those last two pages.  
12 That's the probable cause finding in your --

13 A. That is the --

14 Q. Let me finish. -- in your case against  
15 Luciano's Restaurant?

16 A. Correct.

17 Q. And you submitted this to the court in the  
18 Stop & Shop case. Is the date on the first page  
19 April 2nd, 2005?

20 A. That's what it says, yes.

21 Q. And you were submitting this to show the  
22 court the difference in how the M.C.A.D.  
23 investigator --

24 A. Correct. Yes.

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1 A. Let me think. It had to have been in 2004.

2 Q. Mark this as an exhibit, please.

3 (Marked, Exhibit 1, submission to  
4 court.)

5 Q. I'm going to show you what's been marked as  
6 Exhibit 1. Do you recognize that document? I'm  
7 just asking if you recognize it. I'm not going to  
8 ask you to read the whole thing. I'm only going to  
9 ask you about the first page at this time. Do you  
10 recognize that document?

11 A. No, I don't recognize it, but I did write it  
12 because that's my handwriting.

13 Q. That's your handwriting?

14 A. Yes.

15 Q. Is that one of the documents you submitted  
16 to the Federal Court in this action, the lawsuit  
17 against Stop & Shop? And I'm going to ask about  
18 that second page in a second. I just want to  
19 understand generally if this entire document, do you  
20 recall filing this in court?

21 A. I recall filing it, yes.

22 Q. Now, looking at that second page and third  
23 page.

24 A. One of the reasons why I did is because I

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1 Q. Now, other than your lawsuit against  
2 Luciano's Restaurant and other than this action, I  
3 should say this action and the state court action  
4 against Stop & Shop, have you ever filed any other  
5 lawsuits or discrimination claims?

6 A. No.

7 Q. You stated that other than speaking at the  
8 M.C.A.D. conference you've never testified in any  
9 other form. Earlier when I asked if you ever  
10 testified before, you said that in the Luciano's  
11 case you spoke at one of the M.C.A.D. conferences?

12 A. I think it was under oath.

13 Q. Correct. You never testified under oath?

14 A. Right.

15 Q. Has anyone ever sued you for anything in any  
16 lawsuit?

17 A. No.

18 Q. Have you ever been arrested for any crime?

19 A. Misdemeanors.

20 Q. What types of misdemeanors?

21 A. Disorderly conduct.

22 Q. And when was that?

23 A. I would say before they wrote probable cause  
24 from the M.C.A.D. What's the date on that

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1 investigation?  
 2 Q. You're referring to the M.C.A.D.'s probable  
 3 cause finding?  
 4 A. Yeah.  
 5 Q. Referring to Exhibit 1 -- it's not dated.  
 6 In any event, why are you connecting it to the  
 7 probable cause finding?  
 8 A. Because I went there and screamed and  
 9 yelled, said that they went over the 18 month period  
 10 to give me a response from the M.C.A.D.  
 11 investigation.  
 12 Q. I see.  
 13 A. I went there, screamed and yelled was my  
 14 response.  
 15 Q. At the M.C.A.D.?  
 16 A. Right.  
 17 Q. Were you in the lobby?  
 18 A. I was in the lobby. I was in the office. I  
 19 was screaming.  
 20 Q. So who were you screaming at?  
 21 A. Well, Aileen Quintero gave me an attitude.  
 22 Q. Why don't we start from the top. So you  
 23 went to the M.C.A.D.?  
 24 A. Yeah.

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1 Q. It had been more than 18 months in the  
 2 Luciano's case?  
 3 A. It was more than 18 months, right. So they  
 4 went over their time.  
 5 Q. What happened?  
 6 A. They just continued to tell me that my  
 7 investigation is still in process, but yet they went  
 8 over the 18 months. They said -- they weren't  
 9 giving me an exact time of when they would write  
 10 lack of probable cause or probable cause. They  
 11 weren't giving me any details. So I was asking her  
 12 what was going on, and she was getting a little  
 13 upset because I had been in more than once, and she  
 14 kind of snapped at me. And then after she was out  
 15 of my presence, I just screamed very out loud for  
 16 her to give me a response.  
 17 Q. After she had left?  
 18 A. Well, she heard me.  
 19 Q. Were you in the lobby at the time?  
 20 A. No, I was in the office.  
 21 Q. In her office?  
 22 A. No. I was in the area, in the entrance  
 23 area.  
 24 Q. The reception area?

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1 A. The reception area.  
 2 Q. The M.C.A.D. reception area?  
 3 A. Yes.  
 4 Q. You don't recall when this took place?  
 5 A. It was before they wrote -- a month before  
 6 they wrote probable cause to that complaint.  
 7 Q. And you said that you had been there more  
 8 than once. Approximately how many times had you  
 9 been there to complain about the time that it was  
 10 taking?  
 11 A. Well, when I realized that it was over 18  
 12 months, I was giving them, you know, frequent  
 13 visits.  
 14 Q. How frequent?  
 15 A. Maybe like twice or three times a month.  
 16 Q. For how many months?  
 17 A. I don't recall.  
 18 Q. More than one a month?  
 19 A. Possibly.  
 20 Q. And on each of these occasions would you  
 21 meet with Ms. Quintero?  
 22 A. I met with her boss as well. I was waiting  
 23 for a deposition, not deposition, a position  
 24 statement from the respondent. They told me, oh,

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1 we're going to get a position statement. So I was  
 2 waiting on the position statement and it took a  
 3 while for this position statement to come back and I  
 4 was asking them what was going on, and they told me  
 5 to be patient, and I was trying to be patient as  
 6 best as I could and I kind of blew up.  
 7 Q. You blew up on the first occasion when you  
 8 went in to hear this or on each occasion?  
 9 A. I only blew up on one occasion.  
 10 Q. You only blew up on one occasion. That was  
 11 the one you were describing earlier?  
 12 A. Right.  
 13 Q. And did the M.C.A.D. or somebody from the  
 14 M.C.A.D. call the police?  
 15 A. What happened was, is that I flipped out in  
 16 the hallway. I was still upset and angry, and I was  
 17 leaving -- they wanted to, you know, bring me back  
 18 into the M.C.A.D. to, you know, calm me down and  
 19 explain to me, you know, what was supposed to  
 20 happen. I refused. And what happened was is that I  
 21 left the -- I tried leaving the building and the  
 22 police came after me and they were giving me a  
 23 difficult time in the entranceway to the building.  
 24 Q. Were you inside the lobby of the building or

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1 outside on the sidewalk?  
 2 A. I was downstairs.  
 3 Q. In the main lobby of the building?  
 4 A. In the main lobby of the building.  
 5 Q. One Ashburton Place?  
 6 A. Right. And they wanted to bring me back up  
 7 to the M.C.A.D. along with the police.  
 8 Q. So the police approached you in the building  
 9 lobby?  
 10 A. Yes.  
 11 Q. And they wanted to bring you back upstairs  
 12 to the M.C.A.D.?  
 13 A. Right. I said no, I'm refusing. They  
 14 wouldn't let me leave the building. They were  
 15 giving me a difficult time.  
 16 Q. And then what happened?  
 17 A. Then I ended up -- well, they ended up  
 18 getting into my face, and I got into their face  
 19 back, and what happened was is that they decided  
 20 they were going to arrest me for disorderly conduct.  
 21 Q. Is this the state police?  
 22 A. The state police, correct.  
 23 Q. When you say you were getting into their  
 24 face, did you physically touch them?

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1 A. No, I didn't physically touch them. They  
 2 physically touched me. They held me down. They  
 3 threw me down on the ground and handcuffed me.  
 4 Q. They threw you down on the ground?  
 5 A. Yeah.  
 6 Q. Prior to them arresting you for disorderly  
 7 conduct, you said they were in your face and you  
 8 were in their face. How many policemen were there?  
 9 A. There were two of them.  
 10 Q. When you say you were in their face, were  
 11 you --  
 12 A. Well, they were in my face. They were like  
 13 very close to me, and they were just trying to  
 14 explain to me, oh, come back up to the M.C.A.D. So  
 15 they were continuously pushing buttons to the point  
 16 that I had to blow up in front of their face. So I  
 17 did.  
 18 Q. In what way? What did you do?  
 19 A. I was just screaming. I was just yelling at  
 20 them, you know, just leave me alone because they  
 21 were -- they just wanted to -- they didn't want  
 22 themselves to look like idiots so that's what they  
 23 had to do.  
 24 Q. So you were yelling at the policemen?

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1 A. Yes.  
 2 Q. You said they pushed your buttons sort to  
 3 speak?  
 4 A. They pushed me to the fact that I got back  
 5 into their face.  
 6 Q. They pushed your buttons to the fact that  
 7 you then yelled back at them?  
 8 A. I yelled back at them, yes.  
 9 Q. Would you describe yourself as having a  
 10 short temper?  
 11 A. No.  
 12 Q. No?  
 13 A. No.  
 14 Q. So you were arrested for disorderly conduct?  
 15 A. Right.  
 16 Q. What happened with those charges?  
 17 A. They were dropped.  
 18 Q. At what point?  
 19 A. I would say a month later before probable  
 20 cause was --  
 21 Q. Did you have to appear in court?  
 22 A. Yes.  
 23 Q. Was it before a clerk or a judge?  
 24 A. It was before a judge.

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1 Q. Did you say before the --  
 2 A. Well, what happened was, is that I went to  
 3 court. So the first time, the judge that brought me  
 4 to court the first time wanted to admit me into a  
 5 mental facility. So they did.  
 6 Q. When was this?  
 7 A. This was a month before the M.C.A.D.  
 8 investigation.  
 9 Q. Before the findings?  
 10 A. Before the findings, yes. They just felt  
 11 that I had an anger problem and I needed to be in a  
 12 facility.  
 13 Q. Let me just stop you for a second and we'll  
 14 get back to it. Just try to estimate the time. And  
 15 we don't know the time of the decision. You said it  
 16 was after 18 months after you filed your claim?  
 17 A. Yes.  
 18 Q. And you filed your claim in March of '03?  
 19 A. Right.  
 20 Q. So a year-and-a-half after that would be at  
 21 least late '04 somewhere in 2005?  
 22 A. Yes. Right.  
 23 Q. Do you remember if it was the winter, the  
 24 spring, the summer?

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<p style="text-align: right;">Page 42</p> <p>1 A. It was the winter.  2 Q. So maybe end of '04 early '05?  3 A. Actually it was a year ago. It could have  4 been a year ago.  5 Q. So early 2005?  6 A. Yeah.  7 Q. In what court was this first court  8 appearance in?  9 A. John McCormack.  10 Q. John McCormack building in Boston?  11 A. In Boston, yes.  12 Q. And do you recall the name of the judge?  13 A. He was Italian. All I know is he was an  14 Italian judge.  15 Q. Do you understand the reasons why he decided  16 to admit you into a mental facility?  17 A. Well, I had a conversation with him. He  18 wanted to find out if I was incapable of having a  19 conversation with him. So what he did was, he was  20 trying to figure me out. And I was very responsive  21 to his questions and what he was asking me, asking  22 me, you know, I think you need to go into a mental  23 facility. I think you need help. So I was refusing  24 this. I said no, I don't need help.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I was in his --  2 Q. Chambers?  3 A. Not chambers but, you know, the stand.  4 Q. Side bar?  5 A. Side bar, yes.  6 Q. And your attorney was not present during the  7 conversation?  8 A. The attorney was not present.  9 Q. She was in the courtroom but not with you?  10 A. She was in the courtroom, right. When the  11 judge came back after the conversation and said that  12 he was going to admit me into a facility, the  13 attorney was saying, you know, your Honor, I don't  14 think this man needs to be placed in a facility and  15 tried to explain to him, you know, that I was  16 capable of getting this case dismissed.  17 Q. How long did the conversation between you  18 and the judge take?  19 A. It was a good maybe eight minutes.  20 Q. And do you recall what things he asked you  21 or what things he said that led to him concluding  22 that he wanted to admit you into a mental facility?  23 A. I don't recall. I don't remember his exact  24 words of what he said.</p>
<p style="text-align: right;">Page 43</p> <p>1 What happened was, was that he wasn't  2 informing anybody that he was having this  3 conversation with me. So he just said during the  4 court process, you know, just come over here and  5 talk to me. So I did. You know, my lawyer at the  6 time was just, you know, just finding out what the  7 conversation was about.  8 Q. Let me just stop you for a second before we  9 get too far.  10 A. Yeah.  11 Q. This happened in the courtroom?  12 A. Yes.  13 Q. And you got a lawyer?  14 A. Yes.  15 Q. A public defender?  16 A. Yes.  17 Q. Do you remember the name of the lawyer?  18 A. She was a blonde lady.  19 Q. It's okay. So in the courtroom the judge  20 asked to speak to you, just the two of you sort of  21 aside?  22 A. Yes.  23 Q. Was he still up on the bench? Where was the  24 conversation?</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Generally what he was asking you.  2 A. Just that I needed to be -- I just needed to  3 be -- because apparently if I had -- well, the  4 disorderly conduct was twice. It wasn't just once.  5 Q. What was the other one?  6 A. I had a difficult -- there was disorderly  7 conduct from -- I was arrested in Mansfield.  8 Q. When was that?  9 A. A year before.  10 Q. We're going to get to that in a second.  11 Let's just finish up on this conversation with the  12 judge.  13 In your conversation with the judge, did  14 you lose your temper at all? Did you --  15 A. No. I was very calm.  16 Q. And after the conversation with the judge  17 then in the court in front of your attorney, the  18 judge said he would like to admit you into a mental  19 facility?  20 A. Correct.  21 Q. Your attorney said she didn't think that was  22 necessary?  23 A. Correct.  24 Q. What happened next?</p>

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1 A. All I know is that I was handcuffed and I  
 2 was placed into a cell until I made up my mind of  
 3 what facility I wanted to go to.  
 4 Q. So the judge ordered that you go into a  
 5 facility but left it up to you which facility?  
 6 A. Right. So they threw me in Lindemann  
 7 Hospital.  
 8 Q. Where is that located?  
 9 A. It's in Boston.  
 10 Q. And how long were you at Lindemann Hospital?  
 11 A. I would say maybe a couple of weeks.  
 12 Q. Before we get to that. After the arrest by  
 13 the state police of the M.C.A.D., were you bailed  
 14 out or were you in jail until this court hearing?  
 15 A. Well, I was placed in the facility. I was  
 16 transported from the mental facility to the  
 17 courthouse.  
 18 Q. So you initially were put into a mental  
 19 facility right after the arrest?  
 20 A. Correct.  
 21 Q. Before this conversation with the judge?  
 22 A. Correct.  
 23 Q. So --  
 24 A. Before? No, after the conversation.

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1 Q. I'm backing up. I don't want to confuse  
 2 you.  
 3 A. Okay.  
 4 Q. I'm just getting the sequence from the  
 5 arrest from the disorderly conduct at the M.C.A.D.  
 6 A. Yeah.  
 7 Q. Were you put into jail or were you released  
 8 before the court hearing?  
 9 A. I was put into jail.  
 10 Q. For how long?  
 11 A. I don't recall if I was released or if I was  
 12 placed in the hospital. It was kind -- it's kind of  
 13 confusing. I can't recall to actually say if I was  
 14 released before I was -- no. I was released. I was  
 15 released and then I went back to court and that's  
 16 when the court --  
 17 Q. Before being released, did you spend any  
 18 days or nights in jail or the hospital before you  
 19 were released?  
 20 A. Well, they had nowhere else to put me so  
 21 they placed me in the jail cell for a night.  
 22 Q. Just one night?  
 23 A. One night.  
 24 Q. Then you were released?

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1 A. Then I was released.  
 2 Q. Then you appeared for court, and then the  
 3 judge ordered you into a mental facility?  
 4 A. Right.  
 5 Q. And you went to Lindemann for a couple of  
 6 weeks?  
 7 A. Correct.  
 8 Q. Do you know what you were treated for at  
 9 Lindemann?  
 10 A. It was -- they diagnosed me with some sort  
 11 of personality disorder. So I guess that -- I mean,  
 12 I've been -- I actually accepted the fact that the  
 13 man put me in a hospital because I had been in a  
 14 hospital before.  
 15 Q. So this was not the first time?  
 16 A. This is not the first time, correct.  
 17 Q. Before we get to that, you've got a bunch of  
 18 tangents to go down. We haven't even gotten started  
 19 yet. Let me close the loop on the Lindemann  
 20 Hospital piece.  
 21 A. Okay.  
 22 Q. So you believe on that occasion you were  
 23 diagnosed with a personality disorder?  
 24 A. Yeah, but I was previously diagnosed with

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1 bipolar disorder.  
 2 Q. Bipolar disorder?  
 3 A. Yeah.  
 4 Q. When were you diagnosed with bipolar  
 5 disorder?  
 6 A. I would say when I was fired from Luciano's  
 7 Restaurant.  
 8 Q. Somewhere around May of 2002?  
 9 A. Yeah.  
 10 Q. While you were at Lindemann, what type of  
 11 treatment did you receive?  
 12 A. I was placed on -- well, I refused to take  
 13 some form of medication they were giving me. So I  
 14 refused. But then after a while they told me that  
 15 it was just one milligram of something. So I agreed  
 16 to it. So they put me on something. Then after I  
 17 got out of there I saw a therapist or a  
 18 psychiatrist, psychiatrist and I asked to -- they  
 19 put me on Risperdal and it didn't -- it affected me  
 20 real differently. So I couldn't stay on the one  
 21 milligram. So we agreed to increase it. I didn't  
 22 mind increasing it, but I had difficulty. So they  
 23 put me on the medicine that I originally was on in  
 24 2002 when I was admitted to the hospital.

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1 Q. Which medicine was that?  
 2 A. That was called Zyprexa. Z Y P R E X A.  
 3 Q. So other than being put on this medication  
 4 by Lindemann Hospital, did you receive any other  
 5 treatment there? Did you receive counseling? Did  
 6 you receive any other treatment?  
 7 A. After --  
 8 Q. While you were at Lindemann.  
 9 A. Yeah. They had counselors. They had, you  
 10 know, those types of people.  
 11 Q. After approximately two weeks they released  
 12 you?  
 13 A. Correct.  
 14 Q. What happened next with respect to the  
 15 criminal charges for the disorderly conduct on that  
 16 occasion?  
 17 A. I was -- well, they released me from the  
 18 Lindemann. So the court from before was all set  
 19 because they were evaluating my mental disability  
 20 from the disorderly conduct while I was in the  
 21 hospital. So they were evaluating me.  
 22 Q. What was their conclusion?  
 23 A. I don't recall. They never told me.  
 24 Q. What happened with the criminal charges?

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1 A. They released me, from the disorderly  
 2 conduct they released me.  
 3 Q. You say they released you.  
 4 A. Well --  
 5 Q. Were the charges dropped as a result of you  
 6 going to Lindemann?  
 7 A. No. I was supposed to appear in court for  
 8 the charges to be dropped for disorderly conduct  
 9 while I was in the hospital.  
 10 Q. And what happened?  
 11 A. And they did a continuance without a  
 12 finding.  
 13 Q. And did you show up at any later point?  
 14 A. Yes, I did.  
 15 Q. And what happened at that point?  
 16 A. That's when they insisted that -- well, the  
 17 lawyer brought that forward, and the judge believed  
 18 me from whatever I had agreed to, he dropped the  
 19 disorderly conduct.  
 20 Q. So it was dismissed?  
 21 A. It was dismissed, yes.  
 22 Q. Other than these two arrests for disorderly  
 23 conduct, were you arrested for any other crime?  
 24 A. No.

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1 Q. Have you ever been convicted of any crimes?  
 2 A. Criminally?  
 3 Q. Yes.  
 4 A. No.  
 5 Q. Let's talk about the first disorderly  
 6 conduct. That happened approximately a year earlier  
 7 you said?  
 8 A. A year before, yeah.  
 9 Q. So maybe early 2004 approximately?  
 10 A. Yeah.  
 11 Q. What happened on that occasion?  
 12 A. I don't know. ~~My car broke down. So I~~  
 13 ~~ended up -- the police was -- I was at an~~  
 14 ~~intersection and my car broke down. I was giving~~  
 15 ~~the cop a hard time. I was so upset that my car~~  
 16 ~~broke down. The cop wanted to help me but I was~~  
 17 ~~giving him a hard time. So what happened was, he~~  
 18 ~~could only take so much of me. So he arrested me.~~  
 19 Q. What town did this take place in?  
 20 A. It was in Mansfield.  
 21 Q. So the cop was there to help you and you  
 22 were giving him a hard time because you were --  
 23 A. Well, I was so upset. I don't think he knew  
 24 how to evaluate my behavior. So he had a difficult

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1 time evaluating, you know, trying to get me to calm  
 2 down. Rather than giving me a hard time about it,  
 3 he didn't, he wasn't evaluating my behavior because  
 4 I was so upset.  
 5 Q. And were you released or did you spend any  
 6 time in jail immediately after the arrest?  
 7 A. I was bailed.  
 8 Q. And did you have to appear in court?  
 9 A. Yes.  
 10 Q. What happened?  
 11 A. ~~It got dismissed.~~  
 12 Q. Did the police drop the charges or did the  
 13 judge just dismiss it?  
 14 A. The judge dismissed it.  
 15 Q. So other than those two disorderly conduct  
 16 charges, you were not arrested for any other crime?  
 17 A. Right.  
 18 Q. Let's just go back and take care of some  
 19 preliminary things and then we'll get back to some  
 20 of those things.  
 21 Did you review any documents in  
 22 preparation for today?  
 23 A. No.  
 24 Q. Did you discuss today's deposition with

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